

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MADELYN S.,

Plaintiff,

-v-

5:20-CV-1478

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

APPEARANCES:

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Syracuse, NY 13202

SOCIAL SECURITY
ADMINISTRATION
Attorneys for Defendant
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Boston, MA 02203

DAVID N. HURD
United States District Judge

OF COUNSEL:

HOWARD D. OLINSKY, ESQ.

TIMOTHY SEAN BOLEN, ESQ.
Special Ass't U.S. Attorney

ORDER ON REPORT & RECOMMENDATION

On December 2, 2020, plaintiff Madelyn S.¹ (“plaintiff”) filed this action seeking review of the final decision of defendant Commissioner of Social Security (“defendant”) denying her application for Child’s Insurance Benefits (“CIB”), Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under the Social Security Act (the “Act”).

Thereafter, the Commissioner filed a certified copy of the Administrative Record and both parties briefed the matter in accordance with General Order 18, which provides that an appeal taken from the Commissioner’s final decision denying benefits will be treated as if the parties have filed cross-motions for a judgment on the pleadings. *See* FED. R. CIV. P. 12(c).

On January 27, 2022, U.S. Magistrate Judge Andrew T. Baxter advised by Report & Recommendation (“R&R”) that the Commissioner’s final decision be affirmed and that plaintiff’s complaint be dismissed. Dkt. No. 16. Plaintiff has filed objections, Dkt. No. 17, which have been fully briefed, Dkt. No. 18.

Upon *de novo* review of the portions to which plaintiff has objected, the R&R will be accepted and adopted. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

¹ In accordance with a May 1, 2018 memorandum issued by the Judicial Conference’s Committee on Court Administration and Case Management and adopted as local practice in this District, only claimant’s first name and last initial will be mentioned in this opinion.

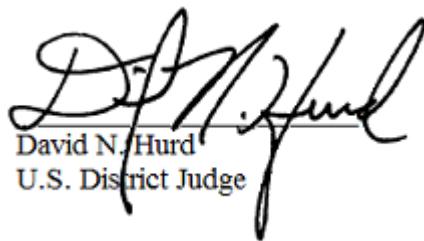
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The Commissioner's decision is AFFIRMED; and
3. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to terminate the pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: February 22, 2022
Utica, New York.



David N. Hurd
U.S. District Judge